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TECH CIV/ENZ-500/2903

Docket No.: ENZ-53(H)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Elazar Rabbani et al.

Serial No.: 08/978,635

Filed : November 25, 1997

For : "Process for Selective Expression of Nucleic Acid
Constructs" (As Amended)

Assistant Commissioner for Patents
Box CPA
Washington, D.C. 20231

**EXPRESS MAIL TRANSMITTAL OF
ABOVE-IDENTIFIED APPLICATION**

SIR:

"Express Mail" mailing label number: EL605312545US
Date of Deposit: December 19, 2000

In connection with the above-identified application a Continued Prosecution Application (CPA) Request Transmittal (PTO/SB/29 Form) (2 pages), Fee Transmittal for FY 2001 (PTO/SB/17) (1 page), Petition for Three-Month Extension of Time, (2 pages), and a return receipt postcard were together transmitted under the above Express Mail mailing label number this date.

Respectfully submitted,


Gary R. Molnar, Esq.
Registration No. 30,299
Kalow & Springut LLP
488 Madison Avenue
New York, New York 10022

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

*Submit an original, and a duplicate for fee processing.
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))*

CHECKED ENTER 1500 2000
 DUPLICATE

Address to:

**Assistant Commissioner for Patents
Box CPA
Washington, DC 20231**

Attorney Docket No. of Prior Application	Enz-53 (Div. IV)
First Named Inventor	E. Rabbani et al.
Examiner Name	M. Schmidt
Group Art Unit	1635
Express Mail Label No.	EL605312545US

This is a request for a continuation or divisional application under 37 CFR 1.53(d),
(continued prosecution application (CPA) of prior application number 08 / 978,635,
filed on Nov. 25, 1997, entitled "Process for Selective Expression of..."(As Amended))

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application.
2. A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4)
 - a. **DELETE** the following inventor(s) named in the prior nonprovisional application:
.....
.....
.....
.....
 - b. The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
 - a. PTO-1449
 - b. Copies of IDS Citations

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS	
	TOTAL CLAIMS (37 CFR 1.16(c) or (j))	7 -20* =	0	x \$ _____ =	\$	
	INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	1 -3** =	0	x \$ _____ =		
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$ _____ =		
				BASIC FEE (37 CFR 1.16)	355.00	
				Total of above Calculations =	355.00	
	Reduction by 50% for filing by small entity (Note 37 CFR 1.27).					
	* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.					
	TOTAL = 355.00					
6.	<input checked="" type="checkbox"/> Small entity status: Applicant claims small entity status. See 37 CFR 1.27.					
7.	The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 05 - 1135:					
a.	<input checked="" type="checkbox"/> Fees required under 37 CFR 1.16.					
b.	<input checked="" type="checkbox"/> Fees required under 37 CFR 1.17.					
c.	<input type="checkbox"/> Fees required under 37 CFR 1.18.					
8.	<input type="checkbox"/> A check in the amount of \$ _____ is enclosed.					
9.	<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.					
10.	<input type="checkbox"/> Applicant requests suspension of action under 37 CFR 1.103(b) for a period of _____ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.					
11.	<input type="checkbox"/> New Attorney Docket Number, if desired _____ <small>[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]</small>					
12.	a.	<input type="checkbox"/> Receipt For Facsimile Transmitted CPA (PTO/SB/29A)				
	b.	<input checked="" type="checkbox"/> Return Receipt Postcard (Should be specifically itemized, See MPEP 503)				
13.	<input checked="" type="checkbox"/> Other: Request for Three-Month Extension of Time _____					

NOTE: The prior application's correspondence address will carry over to this CPA
UNLESS a new correspondence address is provided below.

14. NEW CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label or New correspondence address below

(Insert Customer No. or Attach bar code label here)

Name	Ronald C. Fedus, Esq.				
Address	c/o Enzo Biochem, Inc. 527 Madison Avenue, 9th Fl.				
City	New York	State	New York	Zip Code	10022
Country	U.S.A.	Telephone	212-583-0100	Fax	212-583-0150

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type) Gary R. Molnar, Esq.

Signature 

Registration No. (Attorney/Agent) 30,299

Date December 19, 2000

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 810.00)

Complete if Known

Application Number	08/978,635
Filing Date	November 27, 1997
First Named Inventor	E. Rabbani et al.
Examiner Name	M. Schmidt
Group Art Unit	1635
Attorney Docket No.	Enz-53 (Div. IV)

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 05-1135

Deposit Account Name Enzo Biochem, Inc.

 Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17 Applicant claims small entity status.
See 37 CFR 1.272. Payment Enclosed: Check Credit card Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity
Fee Fee Fee Fee Fee Description

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
101	710	201 355 Utility filing fee	355
106	320	206 160 Design filing fee	
107	490	207 245 Plant filing fee	
108	710	208 355 Reissue filing fee	
114	150	214 75 Provisional filing fee	

SUBTOTAL (1) (\$ 355.00)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
7	-20** =	0 x 0 =	
1	-3** =	3 x 0 =	

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description
103	18	203 9 Claims in excess of 20
102	80	202 40 Independent claims in excess of 3
104	270	204 135 Multiple dependent claim, if not paid
109	80	209 40 ** Reissue independent claims over original patent
110	18	210 9 ** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0)

** or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105	130	205 65 Surcharge - late filing fee or oath	
127	50	227 25 Surcharge - late provisional filing fee or cover sheet	
139	130	139 130 Non-English specification	
147	2,520	147 2,520 For filing a request for ex parte reexamination	
112	920*	112 920* Requesting publication of SIR prior to Examiner action	
113	1,840*	113 1,840* Requesting publication of SIR after Examiner action	
115	110	215 55 Extension for reply within first month	
116	390	216 195 Extension for reply within second month	445.00
117	890	217 445 Extension for reply within third month	
118	1,390	218 695 Extension for reply within fourth month	
128	1,890	228 945 Extension for reply within fifth month	
119	310	219 155 Notice of Appeal	
120	310	220 155 Filing a brief in support of an appeal	
121	270	221 135 Request for oral hearing	
138	1,510	138 1,510 Petition to institute a public use proceeding	
140	110	240 55 Petition to revive - unavoidable	
141	1,240	241 620 Petition to revive - unintentional	
142	1,240	242 620 Utility issue fee (or reissue)	
143	440	243 220 Design issue fee	
144	600	244 300 Plant issue fee	
122	130	122 130 Petitions to the Commissioner	
123	50	123 50 Processing fee under 37 CFR 1.17(q)	
126	180	126 180 Submission of Information Disclosure Stmt	
581	40	581 40 Recording each patent assignment per property (times number of properties)	
146	710	246 355 Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249 355 For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279 355 Request for Continued Examination (RCE)	
169	900	169 900 Request for expedited examination of a design application	
Other fee (specify) _____			

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 445.00)

SUBMITTED BY

Name (Print/Type)	GARY R MOLNAR	Registration No. (Attorney/Agent)	30,299	Telephone	(202) 813-1600
Signature	<i>Gary R Molnar</i>				
Date	DEC 19, 2000				

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